



Steven F. Molo
Molo Lamken LLP
540 Madison Avenue
New York, NY 10022
T: 212.607.8160
F: 212.607.8161
smolo@mololamken.com
www.mololamken.com

November 14, 2014

The Honorable Anita B. Brody
U.S. District Judge
7613 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106

Re: *In re National Football League Concussion Injury Litigation*,
No. 2:12-md-2323

Dear Judge Brody:

Consistent with your directions, we have consulted with the various objectors who raise issues different from the MoloLamken Objection. We have attempted to arrange a schedule that will allow the presentation of issues the others wish raised at the hearing, as well as allow those counsel wishing to address the Court on points not raised in the MoloLamken Objection to do so.

I have advised all counsel of your admonition that no one is to address points made by other objecting counsel and that they may voice support by saying, "I adopt counsel's objection."

Please note that the allocations are consistent with the 2 hours and 15 minutes the Court had budgeted for the presentation of the MoloLamken Objection, as well as the other objections by counsel. The schedule is as follows:

1. Steven Molo and Martin Totaro of MoloLamken will speak for 55 minutes and 10 minutes respectively, and address the issues raised in the MoloLamken Objection.

Total time for MoloLamken Objection: 65 minutes.

2. Thomas Demetrio and William Gibbs of Corboy & Demetrio will speak for 10 and 5 minutes respectively, and address how the Settlement release is too broad, the qualifying diseases are too few, and the Settlement provides inadequate compensation for qualifying diagnoses.

The Honorable Anita B. Brody

- 2 -

November 14, 2014

3. Thomas Wiegand of MoloLamken will speak for 10 minutes and address how testing requirements are too onerous and how the Settlement fails to properly account for the fact that the date of diagnosis may be later than the date of the onset of the qualifying illness, but a class member's age offset is determined by the date of diagnosis.¹

4. John Pentz will speak for 10 minutes and address how Settlement funds can be improperly depleted.

5. Lance Lubel of Lubel Voyles will speak for 15 minutes and address improper restrictions based on Qualifying Diagnoses, age, and career length.

6. Michael Rosenthal of Rosenthal Lurie will speak for 5 minutes and address the lack of credit for preseason and time spent on injured reserve.

7. Parag Shah of Shah Law Firm will speak for 5 minutes and address the Settlement's overly demanding medical records requirements.

8. Glenn Manochi of Lightman Law Firm will speak for 10 minutes and address how the class representatives were not properly informed of the terms of the Settlement and did not sufficiently analyze Class Counsel's decisions; and will address how the Settlement results in improper *cy pres* distribution.

Total Time for Other Objections: 70 minutes.

Additionally, we ask that six individual class members who have stated an intention to speak be allowed to do so for 5 minutes each. I note that one of the individuals listed below, Tregg Duerson, is represented by Mr. Demetrio, who represents numerous class members who will not be addressing the Court. We are aware that the Court expressed the view that represented class members whose counsel are addressing the Court should not speak. However, we are asking the Court's indulgence to allow this one individual to do so for 5 minutes. In the context of this day-long hearing, in which the object is to address the fairness of the proposed settlement, we respectfully suggest 5 minutes allotted to this son of a former well-known player will in no way diminish the proceedings and should be allowed.

1. Ben Utecht
2. Mary Hawkins

¹ The Armstrong Objection addresses the onerous testing requirement issue, and the Barber and Owens Objections address the issue of age – arguments that MoloLamken adopts. Due to scheduling conflicts and by agreement of objectors' counsel, Mr. Wiegand will make this argument.

The Honorable Anita B. Brody

- 3 -

November 14, 2014

3. Rebecca Carpenter
4. Gene Moore
5. Tregg Duerson
6. Eleanor Perfetto

Total Time for Individual Class Members: 30 minutes.

I note that there is an open issue before the Court concerning whether Edward Stone will be allowed to speak on behalf of the Barber Objectors. Class counsel has moved to bar him from doing so due to the timing of his notice to appear.

We respectfully ask that the settling parties provide a similar schedule.

While perhaps not perfect, we believe that this schedule will allow for the orderly presentation of issues given the format the Court has chosen to follow. Should anything change prior to the hearing, we will inform the Court. I will make myself available to discuss this with the Court and counsel for the settling parties should you determine such further consultation would be useful.

Respectfully submitted,

/s/ Steven F. Molo

Steven F. Molo

Cc: Christopher Seeger (via ECF)
Brad Karp (via ECF)